



PTO/SB/30 (07-06)

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# Request for Continued Examination (RCE) Transmittal

Address to:  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/941,046
Filing Date	August 28, 2001
First Named Inventor	Robert T. Eitel
Art Unit	3623
Examiner Name	Meinecke Diaz, Susanna
Attorney Docket Number	6065/82368

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ other \_\_\_\_\_

## 2. Miscellaneous

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for

- a. ☐ period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees any underpayment of fees or credit any overpayments to

- a. ☒ Deposit Account No. 23-0920. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 790.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

09/22/2006 MGBREM1 00000041 09941046  
01 FC:1801 790.00 OP

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>James A. Scheer</i>	Date	September 18, 2006
Name (Print/Type)	James A. Scheer	Registration No.	29,434

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Carolyn R. Gutwaks</i>	Date	September 18, 2006
Name (Print/Type)	Carolyn R. Gutwaks		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: ) Conf. No.: 5725  
Robert T. Eitel, et al. )  
Serial No.: 09/941,046 )  
Filed: August 28, 2001 )  
For: APPARATUS AND METHOD OF ) Art Unit: 3623  
MAINTAINING AND IMPROVING )  
AGENT PERFORMANCE ) Examiner: Meinecke Diaz, Susanna  
Attorney Docket No.: 6065/82368 )

AMENDMENT

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-0001

In conjunction with the Request for Continued Examination submitted herewith,  
and in response to the Office Action of June 16, 2006, please amend the above-identified  
application as follows:

I hereby certify that this paper is being  
deposited with the United States Postal  
Service as First Class Mail in an envelope  
addressed to: Mail Stop RCE, Commissioner  
for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450 on this date.

9-18-06 Carolyn R. Gutwirth  
Date Registration No.         
Attorney for Applicant(s)